

Message Text

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ORIGIN L-03

INFO OCT-01 EA-07 ISO-00 AID-05 EB-07 IGA-01 IO-10 TRSE-00

SS-15 SP-02 NSC-05 CIEP-01 STR-04 OMB-01 CEA-01

CIAE-00 COME-00 FRB-03 INR-07 NSAE-00 USIA-06 XMB-02

OPIC-03 LAB-04 SIL-01 /089 R

DRAFTED BY L/EA:EGVERVILLE:L:GHALDRICH:MAD

APPROVED BY L:GHALDRICH

AID/GC - MR. MORRIS

EA/LC - MR. HENDERSON

EA/EP - MR. IMUS

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R 242100Z SEP 75

FM SECSTATE WASHDC

TO AMEMBASSY MANILA

C O N F I D E N T I A L STATE 227991

E.O. 11652: GDS

TAGS: EAID, EFIN

SUBJECT: U.S. PARTICIPATION IN NAM NGUM II

REF: MANILA 13484 AND PREVIOUS

FROM ALDRICH AND VERVILLE

1. AID GENERAL COUNSEL'S OFFICE LEGAL OPINION REGARDING BASIS FOR TERMINATION U.S. PARTICIPATION IN PROJECT BEING AIRPOUCHED. AID POINTS OUT THAT WHILE PGNU HAS COMPLAINED OF TERMINATION OUR PARTICIPATION, NEITHER IT NOR ADB OR OTHER DONORS HAVE RAISED ANY QUESTION OF OUR LEGAL RIGHT TO DO SO.

2. AS REGARDS MULTILATERAL FUND AGREEMENT, WHILE PARA 10 PROVIDES FOR TERMINATION OF DISBURSEMENTS BY THE FUND UNDER CERTAIN CIRCUMSTANCES, THERE IS NO PROVISION
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DETAILING CONDITIONS UNDER WHICH DONORS MAY TERMINATE

CONTRIBUTIONS TO THE FUND. FUND AGREEMENT STATES, HOWEVER, THAT QUOTE EACH CONTRIBUTION TO THE FUND . . . WHETHER IN THE FORM OF A GRANT OR LOAN, SHALL BE . . . ON TERMS AND CONDITIONS, NOT INCONSISTENT WITH THIS (FUND) AGREEMENT. . . TO BE AGREED BETWEEN LAOS AND THE CONTRIBUTING PARTY. . . UNQUOTE. THUS, OUR RIGHT TO TERMINATE CONTRIBUTIONS AS PROVIDED IN BILATERAL IS EFFECTIVE ALSO UNDER MULTILATERAL, UNLESS THAT RIGHT IS

CONSIDERED INCONSISTENT WITH THE MULTILATERAL AGREEMENT. WE ARE TOLD THAT BILATERALS OF OTHER CONTRIBUTING PARTIES CONTAIN SAME TYPE OF PROVISION.

3. BE REASSURED THAT YOUR FAITHFUL LAWYERS CONSIDER YOUR DEFENSE ON THIS ISSUE ADEQUATE, AND POSSIBLY EVEN STRONGER THAN YOUR DEFENSE ON OTHER PAST ISSUES WHICH WE SHALL NOT EXHUME. INGERSOLL

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Margaret P. Grafeld
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06 JUL 2006

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